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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BERNICE LENORA LOPEZ, PTA  
16970 Colchester Way  
Hacienda Heights, CA 91745  
Physical Therapist Assistant License No. 3456

Respondent.

Case No. 1D 2004 63989

OAH No. L-2008070878

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs (Board), the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Board. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

2. Respondent Bernice Lenora Lopez (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about April 19, 1994, the Board issued Physical Therapist Assistant License No. 3456 to Respondent. The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 1D 2004 63989 and will expire on November 30, 2009, unless renewed.

## JURISDICTION

4. Accusation No. 1D 2004 63989 was filed before the Board. The Accusation and all other statutorily required documents were properly served on Respondent on November 14, 2005. The First Amended Accusation No. 1D 2004 63989 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on June 26, 2008. Respondent timely filed her Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 1D 2004 63989 is attached as Exhibit A and is incorporated herein by reference.

## ADVICE AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 1D 2004 63989. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 First Amended Accusation No. 1D 2004 63989.

4 9. Respondent agrees that her Physical Therapist Assistant License is subject  
5 to discipline and she agrees to be bound by the Board 's imposition of discipline as set forth in  
6 the Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Physical Therapy Board  
9 of California. Respondent understands and agrees that counsel for Complainant and the staff of  
10 the Physical Therapy Board of California may communicate directly with the Board regarding  
11 this stipulation and settlement, without notice to or participation by Respondent. By signing the  
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
16 action between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated  
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the Board may, without further notice or formal proceeding, issue and enter the  
23 following Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Physical Therapist Assistant License No. 3456  
26 issued to Respondent Bernice Lenora Lopez is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for five (5) years on the following terms and conditions.

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1                   1.     RESTRICTION OF PRACTICE - HOME CARE The Respondent shall  
2 not provide physical therapy services in a patient's home.

3                   2.     RESTRICTION OF PRACTICE - PRESENCE OF ANOTHER  
4 LICENSED HEALTH CARE PROFESSIONAL REQUIRED The Respondent shall be  
5 prohibited from working a shift for which there is not another licensed health care licensee on  
6 duty.

7                   3.     PROHIBITION OF THE USE OF ALCOHOL Respondent shall abstain  
8 completely from the use of alcoholic beverages.

9                   Failure to comply with any component of this condition as specified above is a  
10 violation of probation.

11                  4.     BIOLOGICAL FLUID TESTING Respondent shall immediately submit  
12 to biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

13                  Failure to comply with any component of this condition as specified above is a  
14 violation of probation. A positive test result, shall result in automatic suspension of the license.

15                  5.     DIVERSION PROGRAM Respondent shall participate in a Medical  
16 Evaluation described below, if there is a determination that Respondent is addicted to alcohol,  
17 within 15 days from this determination, Respondent shall enroll and participate in the Board's  
18 Diversion Program at Respondent's cost until the Diversion program recommends to the Board  
19 that participation in the Diversion Program is no longer necessary. Failure to comply with  
20 requirements of the Diversion Program, terminating the program without permission or being  
21 expelled for cause shall constitute a violation of probation by Respondent.

22                  Failure to comply with any component of this condition as specified above is a  
23 violation of probation.

24                  6.     MEDICAL EVALUATION Within 30 days of the effective date of this  
25 decision, and on a periodic basis thereafter as may be required by the Board or its designee,  
26 Respondent shall undergo a medical evaluation by a Board appointed physician and surgeon,  
27 who shall furnish a medical report to the Board or its designee. The Respondent shall pay the  
28 cost of the medical evaluation. The medical evaluation will include a determination by a

1 specialist, stating if Respondent is or is not, addicted to alcohol.

2 If Respondent is required by the Board or its designee to undergo medical  
3 treatment, Respondent shall within 30 days of the requirement submit to the Board for its prior  
4 approval the name and qualifications of a physician and surgeon of Respondent's choice. Upon  
5 approval of the treating physician and surgeon, Respondent shall undergo and continue medical  
6 treatment until further notice from the Board or its designee. Respondent shall have the treating  
7 physician and surgeon submit quarterly status reports to the Board or its designee indicating  
8 whether the Respondent is capable of practicing physical therapy safely.

9 7. PROBATION MONITORING COSTS Respondent shall reimburse all  
10 costs incurred by the Board for probation monitoring during the entire period of probation.  
11 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical  
12 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the  
13 billing shall constitute a violation of the probation order.

14 8. COST RECOVERY Respondent is ordered to reimburse the Board the  
15 actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount  
16 of \$6,988. Said costs shall be reduced, however, and the remainder forgiven, if Respondent pays  
17 \$400, within 90 days of the effective date of the Decision. In the event Respondent fails to pay  
18 within ninety (90) days of this Decision, the full amount of costs shall be immediately due and  
19 payable. Failure to pay the ordered reimbursement, or any agreed upon payment, may constitute  
20 a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve  
21 Respondent of his responsibility to reimburse the Board. If Respondent is in default of his  
22 responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise  
23 Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages  
24 legally available to the Board. Failure to fulfill the obligation could also result in attachment to  
25 the Department of Motor Vehicle registrations and/or license renewals.

26 9. OBEY ALL LAWS Respondent shall obey all federal, state and local  
27 laws, and statutes and regulations governing the practice, inspections and reporting, of physical  
28 therapy in California and remain in full compliance with any court ordered criminal probation.

1                   10.    COMPLIANCE WITH ORDERS OF A COURT The Respondent shall  
2 be in compliance with any valid order of a court. Being found in contempt of any court order is a  
3 violation of probation.

4                   11.    COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
5 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
6 and shall be in compliance with any restitution ordered, payments or other orders.

7                   12.    QUARTERLY REPORTS Respondent shall submit quarterly  
8 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
9 been compliance with all the conditions of probation.

10                  13.    PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
11 shall comply with the Board's probation monitoring program.

12                  14.    INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
13 shall appear in person for interviews with the Board, or its designee, upon request at various  
14 intervals.

15                  15.    NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS  
16 Respondent shall notify all present or future employers of the reason for and the terms and  
17 conditions of the probation by providing a copy of the Initial Probationary License, Statement of  
18 Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and  
19 submit written employer confirmation of receipt to the Board, on a form provided by the Board,  
20 within 10 days. The notification(s) shall include the name, address and phone number of the  
21 employer, and, if different, the name, address and phone number of the work location.

22                  16.    NOTIFICATION OF CHANGE OF NAME OR ADDRESS Respondent  
23 shall notify the Board, in writing, of any and all name and/or address changes within ten (10)  
24 days.

25                  17.    RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
26 AGENCIES The Respondent shall not work for a temporary services agency or registry.

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1                   18.     RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF  
2     PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL  
3     THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any  
4     physical therapy student interns or foreign educated physical therapist license applicants during  
5     the entire period of probation. Respondent shall terminate any such supervisory relationship in  
6     existence on the effective date of this probation.

7                   19.     PROHIBITED USE OF ALIASES Respondent may not use aliases and  
8     shall be prohibited from using any name which is not her legally-recognized name or based upon  
9     a legal change of name.

10                  20.     INTERMITTENT WORK If Respondent works less than 192 hours as a  
11     physical therapist or a physical therapist assistant in the physical therapy profession in a period of  
12     three months, those months shall not be counted toward satisfaction of the probationary period.  
13     Respondent shall notify the Board if she works less than 192 hours in a three month period.

14                  21.     TOLLING OF PROBATION The period of probation shall run only  
15     during the time Respondent is practicing or performing physical therapy within California. If,  
16     during probation, Respondent does not practice or perform within California, Respondent is  
17     required to immediately notify the probation monitor in writing of the date that Respondent is  
18     practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
19     performing physical therapy by the Respondent in California prior to notification to the Board of  
20     the Respondent's return will not be credited toward completion of probation. Any order for  
21     payment of cost recovery shall remain in effect whether or not probation is tolled.

22                  22.     VIOLATION OF PROBATION If Respondent violates probation in any  
23     respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
24     probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
25     revoke probation is filed against Respondent during probation, the Board shall have continuing  
26     jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
27     is final.

28                  23.     REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,

1 HEALTH OR OTHER REASONS Following the effective date of this probation, if Respondent  
2 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
3 otherwise unable to satisfy the terms and conditions of probation, Respondent may request to  
4 surrender her license to the Board. The Board reserves the right to evaluate the Respondent's  
5 request and to exercise its discretion whether to grant the request or to take any other action  
6 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
7 tendered license, the terms and conditions of probation shall be tolled until such time as the  
8 license is no longer renewable, the Respondent makes application for the renewal of the tendered  
9 license or makes application for a new license.

10 24. COMPLETION OF PROBATION Upon successful completion of  
11 probation, Respondent's license shall be fully restored.

12 25. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE  
13 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF  
14 PHYSICAL THERAPY Within 90 days of the effective date of this decision, Respondent shall  
15 take and pass the Board's written examination on the laws and regulations governing the practice  
16 of physical therapy in California. If Respondent fails to pass the examination, Respondent shall  
17 be suspended from the practice of physical therapy until a repeat examination has been  
18 successfully passed.

19 26. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
20 ON PROBATION It is not contrary to the public interest for Respondent to practice and/or  
21 perform physical therapy under the probationary conditions specified in the disciplinary order.  
22 Accordingly, it is not the intent of the Board that this order, the fact that Respondent has been  
23 disciplined, or that Respondent is on probation, shall be used as the sole basis for any third party  
24 payer to remove Respondent from any list of approved providers.

25 ACCEPTANCE

26 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
27 understand the stipulation and the effect it will have on my Physical Therapist Assistant License.  
28 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and



1 intelligently, and agree to be bound by the Decision and Order of the Board.

2 DATED: November 25, 2008.

3  
4 Original Signed By:  
5 BERNICE LENORA LOPEZ  
6 Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board.

10 DATED: December 1, 2008

11 EDMUND G. BROWN JR., Attorney General  
12 of the State of California

13 PAUL C. AMENT  
14 Supervising Deputy Attorney General

15 Original Signed By:  
16 CHRIS LEONG  
17 Deputy Attorney General  
18 Attorneys for Complainant

19 DOJ Matter ID: LA2005502334  
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**Exhibit A**

**First Amended Accusation No. 1D 2004 63989**

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BERNICE LENORA LOPEZ, PTA

16970 Colchester Way  
Hacienda Heights, CA 91745  
Physical Therapist License No. 3456

Respondent.

Case No. 1D 2004 63989

OAH No. L-2008070878

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 11, 2009 \_\_\_\_\_.

IT IS SO ORDERED January 13, 2009 \_\_\_\_\_.

Original Signed By:  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

Nancy Krueger, PT, President